



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 06425-99  
21 January 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LT [REDACTED] MC, USNR, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 13 Oct 99 w/attachment  
(2) PERS-85 memo dtd 13 Dec 99  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing her failure of selection for promotion before the Fiscal Year (FY) 00 Staff Lieutenant Commander Selection Board, so as to be considered by the selection board next convened to consider officers of her category for promotion to lieutenant commander as an officer who has not failed of selection for promotion to that grade.

2. The Board, consisting of Messrs. Lightle, McCulloch and Tew, reviewed Petitioner's allegations of error and injustice on 13 January 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Because Petitioner's original Medical Corps appointment document had incorrectly reflected a lieutenant date of rank of 23 May 1993, when it should have reflected 23 May 1997, she was erroneously treated as eligible for consideration by the FY 00 Staff Lieutenant Commander Selection Board, by which she failed of selection in a status of "above zone not previously considered." Had her record shown the correct lieutenant date of rank, she would not have been eligible for any consideration by that selection board. She says steps were taken to correct the error and her date of rank was eventually changed, but not until after her "record was pulled to go before the board."

c. In correspondence attached as enclosure (2), the NPC office having cognizance over active duty promotions has commented to the effect that Petitioner's request to remove her failure of selection for promotion should be approved.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:


a. That Petitioner's record be corrected so that she will be considered by the earliest possible selection board convened to consider officers of her category for promotion to lieutenant commander as an officer who has not failed of selection for promotion to that grade.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

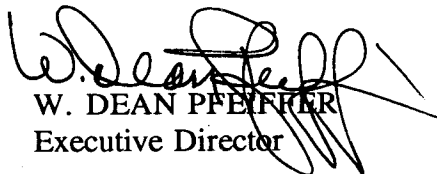
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND**

**5720 INTEGRITY DRIVE**

**MILLINGTON TN 38055-0000**

5420

Ser 85/263

13 Dec 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT MC, USNR, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of [REDACTED] request to remove her failure of selection before the FY-00 Active Staff Lieutenant Commander Promotion Selection Board.
2. [REDACTED] original Officer Appointment Acceptance and Oath of Office (A&O) had been erroneously submitted with an incorrect date of rank, consequently, placing her record above zone not previously considered. A subsequent A&O has been received by Navy Personnel Command reflecting a 23 May 1997, Lieutenant permanent grade date.
3. Recommend approval of her request.

[REDACTED]  
BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division